

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 25-10597

EGYPT HOUSE,)
)
Plaintiff,)
)
VS:)
)
JOHN P. KELLY, as an Individual and in his capacity as)
Chairman of the Board of Assessors, WILLIAM J. WILLIS as an)
Individual and in his capacity as Member of the Board of)
Assessors, JONATHAN LEDERMAN, as an Individual and in his)
capacity as Member of the Board of Assessors, TODD LARAMIE,)
as an Individual and in his capacity as Assistant Assessor,)
KAREN D. BERTOLINO, as an Individual and former Assistant)
Assessor, MICHAEL TUMULTY, as an Individual, in his capacity)
as Assistant Assessor (ret.), and Consultant to the Town of)
Marblehead, DOUGLAS E. PERCY, as an Individual and in his)
Capacity as Member of the Board of Assessors, BOARD OF)
ASSESSORS, TOWN OF MARBLEHEAD, the TOWN OF)
MARBLEHEAD, a Massachusetts Township, THATCHER W.)
KEZER, III, as an Individual and in his capacity as Town)
Administrator, LISA MEAD, as an Individual and in her capacity)
as Town Counsel, ADAM J. COSTA of Mead, Talerman, & Costa,)
LLC, as an Individual and in his capacity as counsel to the Town)
of Marblehead, MATTHEW D. PROVENCHER of Mead,)
Talerman & Costa, LLC, as an Individual and in his capacity as)
counsel to the Town of Marblehead, and MARK J.)
DEFRANCISCO, as an Individual as to claims arising under G.L.)
c. 12, §11I and in his capacity as Chairman of the Appellate Tax)
Board (Equitable Relief Only as to Claims arising under 42)
U.S.C.S. § 1983 and 42 U.S.C.S. § 1985)
)
Defendants)
)
)

**TOWN DEFENDANTS' ITEMIZED LIST OF COSTS AND
AFFIDAVIT OF ATTORNEY LEONARD H. KESTEN**

The Defendants John Kelley, William Willis, Jonathan Lederman, Todd Laramie, Karen Bertolino, Michael Tumulty, Douglas Percy, the Board of Assessors Town of Marblehead,

the Town of Marblehead, and Thatcher Kezer, III (“Town Defendants”) respectfully request that costs and fees be ordered commensurate with the time required to prepare its defense to the Plaintiff’s Emergency Motion for Temporary Restraining Order and Preliminary Injunction, see Town Defendants’ Motion for Costs and Fees in Response (Dkt.139) In support thereof and pursuant to the Court Order (Dkt.144), Town Defendants’ submit the following itemized list of costs incurred in the context of defending against Plaintiff’s emergency motion, attached hereto as Exhibit A, together with an Affidavit of Leonard H. Kesten, attached hereto as Exhibit B.

Wherefore, Town Defendants respectfully request that this Court enter an Order awarding their reasonable attorneys’ fees in defending Plaintiff’s motion in the amount of \$3,844.00.

Respectfully submitted,

Defendants, John P. Kelly, William J. Willis,
Jonathan Lederman, Todd Laramie, Karen D.
Bertolino, Michael Tumulty, Douglas E. Percy,
Town of Marblehead Board of Assessors, Town of
Marblehead and Thatcher W. Kezer, III,
By their attorneys,

/s/ Leonard H. Kesten

Leonard H. Kesten, BBO# 542042

Nina Bonelli, BBO #698709

BRODY, HARDOON, PERKINS & KESTEN, LLP

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nbonelli@bhpklaw.com

Dated: December 10, 2025

CERTIFICATE OF SERVICE

I hereby certify that this document was filed through the ECF system and will therefore be sent electronically to the registered participants as identified on the Notice of Electric Filing (NEF) and paper copies will be sent to those participants indicated as non-registered participants.

/s/ Leonard H. Kesten

Leonard H. Kesten, BBO# 542042

Dated: December 10, 2025

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 Claim Number M25PO004617

Interim Statement

Fees

			Rate	Hours	
10/17/2025	LHK	Review court order re: plaintiff's motion	200.00	0.10	20.00
	LHK	Review Motion for temporary restraining order	200.00	0.20	40.00
10/20/2025	NMB	Review docket and multiple court orders re: amended complaint and plaintiff's motion for temporary restraining order/preliminary injunction, unsealed plaintiff filings	180.00	0.30	54.00
	NMB	Preliminary review of Town Counsel defendants' motion for sanctions re: plaintiff's failure to serve defendants	180.00	0.30	54.00
	LHK	Review motion for sanctions	200.00	0.30	60.00
	LHK	Review Court order re: Motion for Sanctions	200.00	0.20	40.00
	LHK	Review motion for immediate hearing	200.00	0.10	20.00
	LHK	Review Motion to Dismiss filed by Town Counsel	200.00	0.30	60.00
10/21/2025	LHK	Review and analyze various filings by plaintiff	200.00	0.20	40.00
10/22/2025	NMB	Review docket and order re: response to plaintiff's motion for temporary restraining order and preliminary injunction	180.00	0.10	18.00
	NMB	Review plaintiff's motion for temporary restraining order and preliminary injunction in preparation to file opposition	180.00	0.80	144.00
	NMB	Review judge's order on plaintiff's first motion for preliminary injunction in preparation to draft current opposition	180.00	0.30	54.00
	NMB	Draft opposition to plaintiff's motion for preliminary injunction	180.00	1.40	252.00
10/24/2025	NMB	Evaluate motion for preliminary injunction response strategy considering judge's ruling on last motion for preliminary injunction	180.00	0.40	72.00

M.I.I.A

Account No:

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Claim Number M25PO004617

			Rate	Hours	
10/27/2025	NMB	Supplement draft opposition to emergency motion for preliminary injunction	180.00	0.30	54.00
	NMB	Review and evaluate Attorney Defendant's Opposition to Plaintiff's Motion for TRO/Preliminary Injunction	180.00	0.80	144.00
	NMB	Evaluate introduction, parties, jurisdiction and facts section of Complaint in preparation to supplement opposition to plaintiff's motion for preliminary injunction	180.00	0.60	108.00
	NMB	Evaluate 17 claims made in plaintiff's 4th amended complaint in preparation to supplement opposition to plaintiffs' motion for preliminary injunction	180.00	0.60	108.00
	NMB	Supplement background of Opposition to Motion for Preliminary Injunction	180.00	0.50	90.00
	NMB	Supplement Argument - First Amendment allegations of Opposition to Motion for Preliminary Injunction	180.00	0.80	144.00
	NMB	Evaluate RLUIPA applicability and Supplement Argument of Opposition to Motion for Preliminary Injunction	180.00	0.80	144.00
	NMB	Supplement Argument - Equal Protection and Due Process section of Opposition to Motion for Preliminary Injunction	180.00	0.70	126.00
	LHK	Review opposition to plaintiffs' Motion for TRO	200.00	0.30	60.00
	LHK	Review court notice re: opposition	200.00	0.10	20.00
11/03/2025	NMB	Travel to Federal Court for hearing on plaintiff's Emergency Motion for TRO/Preliminary Injunction	180.00	0.30	54.00
	NMB	Represent clients and follow up after TRO/Preliminary Injunction hearing	180.00	1.10	198.00
	NMB	Return travel from federal court	180.00	0.30	54.00
	NMB	Calls to Jonathan Lederman, Thatcher Kezer re: status of inspection photographs	180.00	0.10	18.00
	NMB	Correspondence with Attorney Kim re: photographs of relics, evaluation of publicly available photos	180.00	0.20	36.00
	NMB	Review Court's docket report of today's hearing	180.00	0.10	18.00
	NMB	Teleconference with Thatcher Kezer re: Town's position on photos	180.00	0.30	54.00
	NMB	Correspondence with Court clerk re: Town's position on			

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		Rate	Hours	
	photographs	180.00	0.10	18.00
	NMB Prepare Notice to Court re: Town's position on photographs with Fox News exhibit	180.00	0.50	90.00
	LHK Review briefs for Motion for PI re: pictures	200.00	0.80	160.00
	LHK Attend hearing in Court	200.00	1.70	340.00
	LHK Review photos of holy objects	200.00	0.20	40.00
	LHK Communication from co-defendant re: holy objects	200.00	0.10	20.00
	LHK Review response to court re: photographs	200.00	0.20	40.00
	LHK Review communication from Plaintiffs counsel re: filing	200.00	0.10	20.00
	LHK Telephone call with TM Keezer	200.00	0.40	80.00
	LHK Review plaintiff's televised interview inside Egypt House	200.00	0.30	60.00
11/04/2025	NMB Review plaintiff's Addendum to Motion for TRO/Preliminary Injunction and select exhibits	180.00	0.30	54.00
11/05/2025	NMB Review Judge's Order on Plaintiff's Motion for Emergency Relief	180.00	0.20	36.00
	LHK Review Court order striking and denying plaintiffs motion for TRO	200.00	0.30	60.00
11/12/2025	NMB Evaluate Judge's order to strike Plaintiff's motion for TRO from record, implications on photographs for ATB hearing	180.00	0.20	36.00
11/17/2025	NMB Review and evaluate Judge's Order on Plaintiff's Emergency Motion for TRO/Preliminary Injunction in order to prepare Motion for Costs	180.00	0.30	54.00
	NMB Evaluate mechanisms for achieving order for costs in preparation to draft motion (Rule 11, Section 1927)	180.00	0.30	54.00
	NMB Prepare Motion for Costs against plaintiff's attorney for lack of candor to the court, frivolous/vexatious filings	180.00	0.40	72.00
	NMB Prepare Motion for Costs in response to Court's order/plaintiff's emergency motion	180.00	1.40	252.00
	For Current Services Rendered		20.70	3,844.00

Recapitulation

<u>Timekeeper</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
LEONARD H. KESTEN	5.90	\$200.00	\$1,180.00
NINA M. BONELLI	14.80	180.00	2,664.00

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	Rate	Hours
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Total Current Work		3,844.00
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Balance Due		<u>\$3,844.00</u>
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Board (Equitable Relief Only as to Claims arising under 42)
U.S.C.S. § 1983 and 42 U.S.C.S. § 1985)
)
Defendants)
)
)

AFFIDAVIT OF ATTORNEY LEONARD H. KESTEN

I, Leonard H. Kesten, state under the pains and penalties of perjury that the following is
true and accurate:

1. I am founding and senior partner of law firm of Brody, Hardoon, Perkins & Kesten, LLP located in Boston, Massachusetts;
2. I have been a member of the Bar of the Commonwealth of Massachusetts since 1983. I am also admitted to practice before the United States District Court for the District of Massachusetts and the United States Court of Appeals.
3. I was retained by the insurer for the Town of Marblehead to represent the Town Defendants in the above action.
4. On October 17, 2025, Plaintiff filed an Emergency Motion for Temporary Restraining Order and Preliminary Injunction (Dkt. 118) (“Plaintiff’s Motion”), which contained multiple material misrepresentations of critical facts.
5. On October 27, 2025, the Town Defendants filed a Motion (Dkt. 119) opposing the Plaintiff’s Emergency Motion for Temporary Restraining Order and Preliminary Injunction, incurring attorneys’ fees in preparing the Motion.
6. On November 3, 2025, counsel for Town Defendants attended a hearing on Plaintiff’s Motion, incurring attorneys’ fees for preparation for and attendance at the hearing.
7. On November 5, 2025, the Court issued an Order on Plaintiff’s Motion for Emergency Relief striking Plaintiff’s Motion for its material misrepresentations. (Dkt. 129).
8. On November 19, 2025, the Town Defendants filed a Response to Plaintiff’s Motion (Dkt. 139), incurring attorneys’ fees in the preparation of the Response.
9. Town Defendants request recovery of \$3,844.00 in attorneys’ fees incurred by Brody, Hardoon, Perkins & Kesten, LLP in defending against Plaintiff’s Motion, including

- for time spent drafting the Response to Plaintiff's Motion and preparing for and attending the hearing on Plaintiff's Motion.
10. My rate is \$200.00 per hour and Attorney Nina Bonell's rate is \$180.00 per hour as set by the insurer for the Town of Marblehead. The rates charged are considerably below the reasonable standard of such rates in the area for similar legal services and attorneys with similar experience in the field charge significantly more than the above rates.
 11. The time and expenses associated with defending against Plaintiff's Motion for which Town Defendants seek recovery are reasonable in relation to the tasks performed.

SIGNED under the pains and penalties of perjury, this 10th day of December 2025.



Leonard H. Kesten
Brody, Hardoon, Perkins & Kesten, LLP